

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: December 12, 2013

Agenda Item: Harpers Lake, Lake Alva, and Marshall Lake Administrative Rules

Division: Enforcement

Action Needed: Final Action

Time Needed on Agenda for this Presentation: 30 minutes

Background

The commission proposed changes to Lake Alva, Harpers Lake and Lake Marshall rules on Nov. 8, 2012. Public comment ran about five weeks. On Aug. 8 another two week comment period was conducted for review of an additional alternative for Lake Alva. The following is a summary of the current rules and origin of the proposals.

Lake Alva: Current rule: Boats pulling water skiers will travel in a counterclockwise direction.

Original Proposal: No-wake rule. There has been much public and USFS District Office interest in a no wake speed rule over several years. In response, FWP agreed to present to the commission a no-wake rule and to possibly provide an easily accessible, slower paced recreational opportunity for motorized and non-motorized boats in the Seeley Lake area. Alva has no private in-holdings with docks and boats, but has a USFS boat ramp and campground. Current use is a mix of motorized and non-motorized boats, and is highest during July and August. Public concern is that high speed motorboat use is increasing and becoming more like other lakes that have very high use. Alternative Regulation: Wake allowed from Aug.1 through Labor Day. The first comment period indicated a significant number of current users would be affected by a no-wake rule. A second comment period was completed to see if this alternative would be more acceptable than the current rule or a no-wake rule. This would partition the summer season to reduce conflict.

Harpers Lake: Current rule: Closed to all motorboats. Proposal: Manually operated or electric motors only. Anglers asked FWP to present to the commission this proposal to make it easier to access trout.

Lake Marshall: Current rule: No restrictions. Proposal: Manually operated or electric motors only. The lake is within the Marshall Creek Wildlife Management Area. The proposal is consistent with WMA management objectives and current use of the lake.

Public Involvement Process & Results

In total, public comment ran for about seven weeks between May 9 and Sept. 20. A public hearing was held on June 5 in Seeley Lake. FWP met with the Seeley Lake Community Council on Sept. 9. The topic was covered by Seeley Lake and Missoula newspapers. A total of 272 comments were submitted for Lake Alva was 272, 52 for Harpers Lake, and 42 for Lake Marshall. For Lake Alva, the no wake proposal was supported by 48% of the commenters; 45% were opposed. Six percent wanted no motors and about 1% supported the additional alternative. Supporters of the no-wake proposal and those wanting no motors cited promoting quieter, slower recreation as a primary reason. Those opposed cited concern primarily about displacing current users and impacts to nearby lakes. Harpers and Marshall lakes were supported by 73% and 79%, respectively, for reasons consistent with the proposal. Opposition was primarily for more restrictive regulations (e.g., no motors).

Alternatives and Analysis

No action would ignore the support for Marshall and Harpers lakes and the slight majority of support for speed restrictions on Lake Alva. The commission could approve the Marshall and Harpers lakes proposals but not the Lake Alva no wake proposal. High speed boat use is expected to increase, particularly during summer displacing those looking for slower paced boating.

Agency Recommendation & Rationale

FWP recommends approving the Harpers and Marshall lakes proposals and the no-wake proposal on Lake Alva. For Lake Alva, this would displace high speed users to other lakes, though this is not considered significant given the numerous choices.

Proposed Motion

I move that the commission adopt a no-wake rule for Lake Alva and the use of manually operated or electric motors only rule for Lake Marshall and Harpers Lake.